IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 12269 of 2006(I)

AGAINST THE ORDER IN IA 280/2006 IN OS.407/1996 of II ADDL.M.C.,TRIVANDRUM

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PETITIONER:

D.BABURAJ,
PARAMBUVILAKATHU VEEDU-KARTHENTE VARAMBU,
ARASUMMOODU, VAILAKATHUMURI, ATTIPRA VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENTS:

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1. VIDYADHARAN, S/O.VASAVAN, ELENJI-
VILAKATHU VEEDU, ARASUMMOODU, ATTIPRA VILLAGE,
THIRUVANANTHAPURAM.

2. KUNJULAKSHMI, D/O.PARVATHY,
KULANGARAVILAKATHU VEEDU,
ARASUMMODU, ATTIPRA VILLAGE,
THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.12269 of 2006

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Dated this the 10th day of October, 2007.

JUDGMENT

This Writ petition is filed against the order of the IInd Additional Munsiff's Court, Thiruvananthapuram in I.A.No.280 of 2006 in O.S.No.407 of 1996. This application is filed by one B.Baburaj to get himself impleaded as a defendant in the suit. He is none other than the son of the defendant, viz., Kunjulekshmy. The suit for partition had been fought up to the High Court and the plaintiff obtained a decree and it is during the pendency of the suit that the present petitioner had purchased the right from the mother. So the transfer in favour of the petitioner is hit by the provisions of Section 52 of the Transfer of Property Act.

2. Whatever right the defendant is entitled to will automatically devolve upon the person who had purchased the property under her and it is also very clear that this person cannot raise any new contention in the matter and therefore I

think, the court below was right in holding that he is not to be impleaded as a party which will only result in unnecessary protraction of the final decree proceedings. I make it clear that the mother of the present petitioner, who is the defendant in the suit can contest the matter.

Writ Petition is dismissed.

M.N.Krishnan,
Judge.

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